

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**IN THE MATTER OF NATIONAL
MAINTENANCE & REPAIR, INC.,
AS OWNER OF THE M/V HARTFORD
BEAVER FOR EXONERATION FROM
OR LIMITATION OF LIABILITY,**

and

VINCENT DEERING,

Claimant/Third-Party Plaintiff,

v.

MID-AMERICA FUELS, INC., et al.,

Third-Party Defendants.

No. 09-0676-DRH

**IN RE THE MATTER OF MID-AMERICA
FUELS, INC. AS OWNER OF *PRO HAC*
VICE OF THE M/V SUE FOR EXONERATION
FROM OR LIMITATION OF LIABILITY**

No. 10-0352-DRH

ORDER

HERNDON, Chief Judge:

Pending before the Court is Mid-America Fuels, Inc.'s motion to consolidate filed in cause number 10-0352 (Doc. 14). Specifically, Mid America Fuels, Inc., moves to consolidate the above caption cases and to adopt the CJRA track in cause number 10-0352. Claimant Deering agrees that the case should be

consolidated, however, Deering objects to adopting the CJRA track in 10-0352.

Customarily in this judicial district, cases are consolidated into the lower numbered case and follow the scheduling and discovery order of the lower numbered case. Based on the circumstances surrounding these cases, the Court sees no reason to depart from this practice. Accordingly, the Court **GRANTS in part** and **DENIES in part** the motion to consolidate filed in cause number 10-0352 (Doc. 14). The Court **CONSOLIDATES** these cases. All further pleadings shall be in 09-0676-DRH. The parties are directed to conference with the assigned magistrate judge for purposes of determining new discovery and motions deadlines as needed for remaining issues.

IT IS SO ORDERED.

Signed this 29th day of June, 2010.

/s/ David R. Herndon

**Chief Judge
United States District Court**